S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5649/2007
(Rupa Ram Vs. State of Rajasthan)

DATE OF ORDER : 22/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ramesh Purohit for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that knife injury has been assigned to co-accused Himmatsingh. So far as the present petitioner is concerned, no overt act has been assigned to him and he has not caused any injury. This fact has not been disputed by the public prosecutor on the basis of the police investigation diary.

Looking to the facts and circumstances of the case and keeping in view the fact that no overt act has been assigned to the present petitioner, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Rupa Ram S/o Sh. Nohar Ram in FIR No. 402/2007 P.S. Sardarpura, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of

Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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